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3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

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6 ROGER A. LIBBY,

Case No. 3:24-cv-00539-MMD-CSD

7 Plaintiff,

ORDER

8 v.

9 CITY OF CARSON,

10 Defendant.

11 Pro se Plaintiff Roger Libby filed an application to proceed *in forma pauperis* (ECF  
12 No. 1 (“IFP Application”)) and a pro se complaint (ECF No. 1-1). Before the Court is the  
13 Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney  
14 (ECF No. 3), recommending that the Court deny the Application because Libby does not  
15 qualify for IFP status. To date, no objections to the R&R have been filed. Because there  
16 is no objection, and as further explained below, the Court will adopt the R&R.

17 Because there is no objection, the Court need not conduct de novo review, and is  
18 satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328  
19 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
20 recommendations is required if, but *only* if, one or both parties file objections to the  
21 findings and recommendations.” (emphasis in original)). As Judge Denney noted, Libby’s  
22 “certified account statement indicates that his average monthly balance for the last six  
23 months was \$6654.22, and his average monthly deposits were \$343.92. As such, [Libby]  
24 does not qualify for IFP status.” (ECF No. 3 at 2.) Having reviewed the R&R, Judge  
25 Denney did not clearly err.

26 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF  
27 No. 3) is accepted and adopted in full.  
28

1 It is further ordered that Libby's application to proceed in forma pauperis (ECF No.  
2 1) is denied. Libby has until February 3, 2025, to pay the \$405.00 filing fee.

3 DATED THIS 2<sup>nd</sup> Day of January 2025.

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MIRANDA M. DU  
7 UNITED STATES DISTRICT JUDGE  
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